

Serial No.: 10/016,418
Confirmation No.: 8652
Art Unit: 1624

AM100315

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REMARKS

Applicants respectfully request the Examiner to enter the above amendments, and to reconsider and withdraw the rejection in view of the following remarks. Applicants respectfully submit that the amendments comply with 37 C.F.R. §1.116 in that the amendments place the claims in better form for appeal. Applicants thank the Examiner for the allowance of Claims 19, 23, and 24.

Status of Claims

Claims 13 to 19 and 23 to 25 are pending. Claims 13 and 16 are being amended. Claims 19, 23 to 24 are allowed. Claims 13 to 18 and 25 have been rejected under Section 112.

Amendment

Claims 13 and 16 are being amended to replace "indoline" with "cyclopenta[b]indoline"

No new matter is added by the amendments to the claims.

Response to Rejections Under Section 112

Claims 13 to 18 have been rejected under Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The office action has alleged that Claims 13 and 16, and the dependent claims thereon, are vague and indefinite in that it is not known what is meant by the process of preparing the optionally substituted indoline compound of step a) because it is a "cyclopenta[b]indoline compound." To facilitate prosecution, Applicants have amended the claims to replace indoline with cyclopenta[b]indoline as suggested by the Examiner. However, it is noted that Applicants are permitted to be their own lexicographer, and one of skilled in the art in reviewing the claims and specification would readily understand what is meant by the optionally substituted "indoline" compound recited in claims 13 and 16. For these reasons, Applicants respectfully submit that Claims 13 to 18 fully comply with Section 112, and request that the rejection under Section 112, second paragraph be withdrawn.

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Claim 25 has been rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Office Action alleges that the specification does not describe the compounds of formula XI and XII being directly reduced to the compounds of formula VIII. Applicants respectfully traverse this rejection as the specification provides more than adequate description that reasonably conveys to one skilled in the art that Applicants had possession of the claimed subject matter. In this regard, it is noted that the specification reasonably describes to one skilled in the art on page 14 that "the corresponding amide XI or nitrile XII, which can then be reduced to the corresponding amines XIII and VIII. It is noted that the language in claim 25 does not indicate how many synthesis "steps" are used from going from step b) to step c). For example, the reduction described in Claim 25, step b) could very well go through compound XI or XII, to XIII and then to VIII. In this regard, it is noted that the claim language recites "one or more reducing agents". Additionally, one skilled in the art in viewing the scheme on page 15 would readily recognize that it is possible to select a reducing agent which would simultaneously reduce both the amide/nitrile group and indole bond in one reaction. For these reasons, Applicants respectfully request that Claim 25 fully meets the requirements of Section 112, first paragraph. Applicants respectfully request that the rejection under Section 112, first paragraph be withdrawn.

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CONCLUSION

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record and request withdrawal of all outstanding rejections. Early and favorable notification of allowance of all pending claims is earnestly requested.

Respectfully Submitted,



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